

# TOWN OF UNION SPECIAL BOARD MEETING

## Minutes for January 22, 2008

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The Town of Union Special Board Meeting was called to order at 4:33 pm on Tuesday, January 22, 2008 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI by Chairman Kendall Schneider. Supervisors George Franklin and Don Krajeck were also present, as well as Clerk Regina Ylvisaker and Town Attorney Bryan Kleinmaier.

Clerk Ylvisaker confirmed that the meeting notice was posted at Landmark Co-op, Worthington Tractor Parts, Piggly Wiggly, and Evansville Review.

### **Discuss/Consider Action regarding Cavalier Village Mobile Home Park.**

*The Town Board may convene in closed session pursuant to section 19.85(1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the Town who is rendering oral advice concerning strategy to be adopted by the Town Board with respect to litigation in which the Town is likely to become involved. The Town Board may reconvene in open session and take action.*

Attorney Kleinmaier attended the September 2007 Board meeting. At that time, the background of the current issues with Cavalier Village Mobile Home Park were discussed, and the Town Board authorized Kleinmaier to draft a letter to the Butz', owners of the park, pursuant to the Town's mobile home park ordinance procedures. The letter, dated October 22, 2007, addressed a number of ordinance violations, as well as providing strong argument that the park is not currently licensed to operate. A response was received in the form of a letter dated December 12, 2007 from Attorney Timothy Riley.

In summary, the letter dated December 12, 2007 stated that the majority of the ordinance violations have been corrected. Kleinmaier suggested that the Town send the Building Inspector out to confirm that the corrections have been made, and report back to the Board. Attorney Riley further stated in the letter that the remainder of the violations will be corrected; however, they are contesting the applicability of violations #14 and #15, believing that the park is "grandfathered" in and the violations and related ordinances do not apply. The specific violations are:

**14. TOU Zoning Code section 17.15(6)(O)** – A plot plan of the Mobile Home Park shall be provided to show locations of all lot pins for each lot, size of each lot located within the Mobile Home Park

**15. TOU Zoning Code section 17.15(6)(Q)** – The garbage and rubbish storage area is not effectively screened

Attorney Kleinmaier explained that the Town is using its policing power to enforce health & safety issues with regard to #15.

Attorney Kleinmaier asked the Board if there was a mobile home park ordinance in place in the 1970s, or at the time when Cavalier Village was take established? Chairman Schneider believes there was one in place in the late 1970s, probably 1979. Additionally, he believes the current owners of the park did not take possession of the main part of park until 1982. Schneider will research prior ordinances and provide information to Kleinmaier.

Another issue brought up by Attorney Riley is regarding the 2003 stipulation; they believe that violation #15 was resolved in the stipulation. Additionally, Attorney Kleinmaier stated that the administrative code referenced by Riley (Commerce sec. 95.09) no longer exists; no research has been done yet to determine if the language was recreated or moved to another section of the code.

At this point, the Town needs to respond to the letter from Attorney Riley, as well as address their recent request for a license application. Attorney Kleinmaier would recommend that the Town authorize legal counsel to draft and send a letter to Attorney Riley, and call to notify Riley that the letter is coming. The letter would address the following points: the Town's belief that the stipulation does not cover the current issues; the Town's belief that the "grandfathering" argument does not apply, as the Town is exercising its policing power to address health and safety issues; that the requirements of the Town are not onerous and unreasonable; and that mobile home licensing is not a right, but a privilege. A copy of the license application will be enclosed, with the statement that the Town believes that they are required to complete all portions of the application.

Regarding plot plan, Attorney Kleinmaier stated that there are two ways the Town can address the issue: 1) stating that the Town does not believe that "grandfathering" applies to the requirement, therefore a plot plan must be provided as required in the stipulation, or 2) state that a plot plan must be provided as identified in the Town of Union Zoning Code section 17.15(6)(O), as requested in the letter to the Butz' dated October 22, 2007.

The Town must have a clear plan of how far they will take this issue; are they willing to close the park for non-compliance?

The issue of the park being outside its lot line boundaries is between them and the neighbors onto whose land they are encroaching.

Attorney Kleinmaier would like to have the results of the Building Inspector's inspection prior to drafting and sending the letter.

Motion to authorize the law firm of Stafford Rosenbaum to send a letter to the Riley Law Office including a recent inspection report and/or a list of items that need to be addressed, and a new mobile home park license application made by Chairman Kendall Schneider. Second by Supervisor George Franklin. The letter will be reviewed by Chairman Schneider and the Town Supervisors prior to sending.

Roll call vote: Kendall Schneider – yes; George Franklin - yes. Motion passed by unanimous roll call vote.

Supervisor Don Krajeck arrived at 5:25 pm; Chairman Schneider and Attorney Kleinmaier reviewed the meeting thus far with him.

Costs related to the Cavalier Village ordinance violation issue will continue to be tracked by Clerk Ylvisaker.

Motion to adjourn made by Chairman Schneider. Second by Supervisor Franklin. Meeting adjourned at 5:40 pm.

*Respectfully submitted by:*

*Regina Ylvisaker, Clerk*

Note: Minutes are considered draft until reviewed and approved by the Town Board at a properly noticed meeting